



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1996

Mr. Patrick S. Dohoney
Assistant District Attorney
Tarrant County
Office of the Criminal District Attorney
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR96-2425

Dear Mr. Dohoney:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102708.

The Tarrant County Sheriff's Department (the "department"), which you represent, received a request for information concerning a former inmate's period of incarceration in your county jail, prior to the inmates transfer. The specific request stated that "[t]he court needs a certification from you as to the dates [a particular individual] was incarcerated in your jail for credit purposes." The requestor is an *attorney* who is representing this particular inmate. You claim that the department need not respond to the request under section 552.027 of the Government Code. You have identified the information in the department's possession that is responsive to the request and submitted it to this office for review. We have considered the arguments you have made and reviewed the submitted information.

Section 552.027 of the Government Code provides:

- (a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.
- (b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by a governmental body pertaining to that individual.

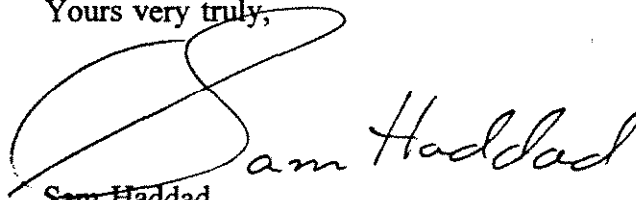
(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.

Gov't Code § 552.027 (as added by Acts 1995, 74th Leg., ch. 302, § 1).

By enacting section 552.027, the legislature intended to prevent inmates from using information obtained through the Open Records Act "to file bogus income tax returns on correctional officers, harass nurses at their home addresses, and send mail to the homes of Texas Department of Criminal Justice employees." Tex. Sen. Criminal Justice Comm., Bill Analysis, Tex. H.B. 949, 74th Leg., R.S. (1995) (quoting from "Background") (available through the Senate Research Center). After careful consideration and given the stated purpose of section 552.027, we do not believe that the legislature intended to prevent an attorney, who is subject to rules of professional responsibility, from requesting information on behalf of an inmate whom he is representing. Accordingly, we conclude that section 552.027 does not relieve a governmental body of its obligation to accept and comply with an open records request from an *attorney* who is making such a request on behalf of an inmate whom he is representing. As you have not raised any exceptions to the disclosure for this information, you must release the requested information to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous *determination regarding any other records*. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref: ID# 102708

Enclosures: Submitted document

cc: Mr. Al D. Thigpen
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(w/o enclosure)